

EXHIBIT A

Case Type: Wrongful Death

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

In the matter of the appointment of a
trustee for the next of kin of Elden
Sievert, decedent.

AMENDED PETITION FOR
DISTRIBUTION OF MONEY
RECOVERED UNDER
MINN. STAT. § 573.02

Court File Number: 27-CV-10-3229
The Honorable Marilyn Brown-
Rosenbaum

Comes now your petitioner, Kirk Wiener, and states:

I.

That Elden Sievert died on January 18, 2010 as a result of injuries sustained in a motor vehicle accident on December 25, 2009. The accident was caused by an uninsured driver.

II.

On February 16, 2010, petitioner Kirk Wiener was appointed trustee for the next-of-kin of decedent Elden Sievert.

III.

That Schwebel, Goetz & Sieben, P.A. was retained to represent the interests of the next-of-kin of Elden Sievert; that it was agreed in writing that said attorneys would receive one-third of any amount recovered by way of suit or settlement; that subsequently the attorneys conducted investigation into the facts surrounding said occurrence and entered into settlement negotiations with Country Mutual Insurance Company, the uninsured motorist (UM) carrier for Elden Sievert.

IV.

That this matter has been fully compromised and settled for the sum of One Hundred Thousand and no/100 Dollars (\$100,000.00). Said sum represents the UM limits on the UM policy issued by Country Mutual Insurance Company.

V.

That said attorneys are entitled to one-third of the sum of \$100,000.00, or Thirty-Three Thousand Three Hundred Thirty-Three and 33/100 Dollars (\$33,333.33), as payment for their attorneys' fees; that in addition, said attorneys incurred the following expenses for which they are entitled to reimbursement:

Filing fee (wrongful death - petition appointing trustee) - Hennepin County District Court	\$322.00
In-house copies - Miscellaneous	\$73.20
Investigation (computerized research) - Westlaw	\$391.12
Total	\$786.32

The total due to said attorneys is, therefore, Thirty-Four Thousand One Hundred Nineteen and 65/100 Dollars (\$34,119.65).

VI.

Medicare (CMS) paid \$141,389.22 for care and treatment of decedent's accident-related injuries. Petitioner asks that the sum of zero be paid to Medicare-CMS from said settlement.

VII.

Ingenix paid \$11,805.45 on behalf of Medica for care and treatment of decedent's accident-related injuries. Petitioner asks that the sum of zero be paid to Ingenix from said settlement.

VIII.

After deduction of attorneys' fees and expenses, there remain net proceeds of Sixty-Five Thousand Eight Hundred Eighty and 35/100 Dollars (\$65,880.35) for distribution to the next-of-kin of Elden Sievert.

IX.

That the next-of-kin of Elden Sievert are as follows:

NAME	DOB/AGE	RELATIONSHIP	ADDRESS
Constance Sievert	1/16/1937	Wife	1387 Highway 107 Grasston, MN 55030
Charles L. Sievert	1935	Brother	73717 Big Spruce Lane Finlayson, MN 55735
Mary A. Williams	1938	Sister	16273 Par Circle SW Pine City, MN 55063
Jane Purdy	1944	Sister	4654 Tammy Lane Morganton, NC 28655

X.

The value of the advice, comfort, assistance, companionship and protection that decedent would have provided to his surviving spouse, Constance Sievert, had he lived far exceeds the \$100,000 policy limits available to Constance Sievert from the Country Mutual Insurance Company proceeds.

WHEREFORE, your petitioner prays for an Order of the Court:

1. Approving settlement of the above-entitled action in the amount of \$100,000.00 and authorizing petitioner to sign the necessary releases and other documents.
2. Directing Country Mutual Insurance Company to pay to Schwebel, Goetz & Sieben, P.A. and petitioner, as the trustee for the next-of-kin of Elden Sievert, the sum of \$100,000.00.
3. Finding that said \$100,000.00 belongs to the next-of-kin of decedent pursuant to Minnesota's wrongful death statute, Minn. Stat. § 573.02 *et seq.* and

pursuant to the law set forth in *Bradley v. Sebelius*, 621 F.3d 1330 (11th Cir. 2010).

4. Allowing the law firm of Schwebel, Goetz & Sieben, P.A. its attorneys' fees and expenses in the total sum of \$34,119.65.
5. Finding that the advice, comfort, assistance, companionship and protection that decedent would have provided to his surviving spouse, Constance Sievert, had he lived, far exceeds the \$100,000 available to Constance Sievert from Country Mutual Insurance Company's \$100,000 policy limits.
6. Allowing that the sum of Sixty-Five Thousand Eight Hundred Eighty and 35/100 Dollars (\$65,880.35) be paid to Constance Sievert, surviving wife of decedent.
7. Allowing the sum of zero Dollars (\$0.00) to Charles L. Sievert, surviving brother of decedent.
8. Allowing the sum of zero Dollars (\$0.00) to Mary A. Williams, surviving sister of decedent.
9. Allowing the sum of zero Dollars (\$0.00) to Jane Purdy, surviving sister of decedent.
10. Allowing the sum of zero Dollars (\$0.00) to Medicare-CMS.
11. Allowing the sum of zero Dollars (\$0.00) to Ingenix.



Kirk Wiener

STATE OF MINNESOTA)

COUNTY OF Hennepin)

ss:

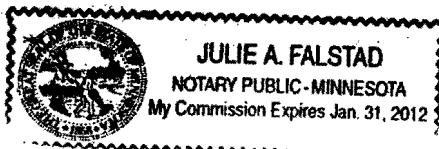
Kirk Wiener, being first duly sworn upon oath, deposes and states that he is the petitioner above-named; that he has read the foregoing petition and knows the content thereof and states that the same is true and correct to the best of his knowledge, information and belief.

Kirk Wiener

Kirk Wiener

Subscribed and sworn to before me
this 29 day of January, 2011.

Julie A. Falstad
Notary Public



SCHWEBEL, GOETZ & SIEBEN, P.A.

By

James S. Ballentine
James G. Weinmeyer (#1140x)
James S. Ballentine (#209739)
ATTORNEYS FOR THE PLAINTIFF
5120 IDS Center
80 South Eighth Street
Minneapolis, Minnesota 55402-2246
(612) 333-8361

Case Type: Wrongful Death

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

In the matter of the appointment of a trustee for the next of kin of Elden Sievert, decedent.

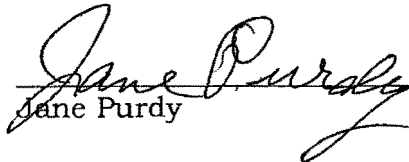
**WAIVER OF NOTICE AND
APPEARANCE AND BOND**

Court File Number: 27-CV-10-3229
The Honorable Marilyn Brown-
Rosenbaum

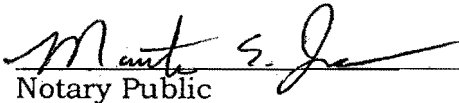
I, Jane Purdy, am a next-of-kin of Elden Sievert, deceased.

I do not wish to make a personal appearance at the hearing on the petition for distribution of money recovered under Minn. Stat. § 573.02 and hereby waive notice and personal appearance at said hearing and I hereby waive a bond requirement.

I have read the Amended Petition for Distribution of Money Recovered under Minn. Stat. § 573.02 of Kirk Wiener, and I approve the distribution of money set forth in that document.


Jane Purdy

Subscribed and sworn to before me
this 15 day of February, 2011.


Notary Public

My Commission expires 10/31/2014



Case Type: Wrongful Death

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

In the matter of the appointment of a
trustee for the next of kin of Elden
Sievert, decedent.

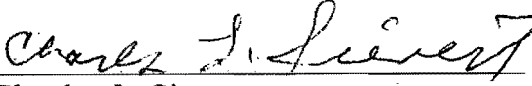
**WAIVER OF NOTICE AND
APPEARANCE AND BOND**

Court File Number: 27-CV-10-3229
The Honorable Marilyn Brown-
Rosenbaum

I, Charles L. Sievert, am a next-of-kin of Elden Sievert, deceased.

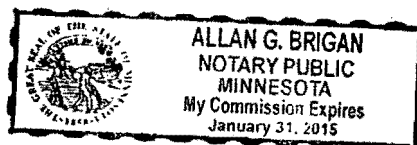
I do not wish to make a personal appearance at the hearing on the petition for
distribution of money recovered under Minn. Stat. § 573.02 and hereby waive notice
and personal appearance at said hearing and I hereby waive a bond requirement.

I have read the Amended Petition for Distribution of Money Recovered under
Minn. Stat. § 573.02 of Kirk Wiener, and I approve the distribution of money set forth
in that document.


Charles L. Sievert

Subscribed and sworn to before me
this 14 day of February, 2011.


Notary Public



Case Type: Wrongful Death

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

In the matter of the appointment of a trustee for the next of kin of Elden Sievert, decedent.

**WAIVER OF NOTICE AND
APPEARANCE AND BOND**

Court File Number: 27-CV-10-3229
The Honorable Marilyn Brown-
Rosenbaum

I, Mary A. Williams, am a next-of-kin of Elden Sievert, deceased.

I do not wish to make a personal appearance at the hearing on the petition for distribution of money recovered under Minn. Stat. § 573.02 and hereby waive notice and personal appearance at said hearing and I hereby waive a bond requirement.

I have read the Amended Petition for Distribution of Money Recovered under Minn. Stat. § 573.02 of Kirk Wiener, and I approve the distribution of money set forth in that document.

Mary Williams
Mary A. Williams

Subscribed and sworn to before me
this 19 day of February, 2011:

Frank William Christopherson III
Notary Public



Case Type: Wrongful Death

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

In the matter of the appointment of a trustee for the next of kin of Elden Sievert, decedent.

**WAIVER OF NOTICE AND
APPEARANCE AND BOND**

Court File Number: 27-CV-10-3229
The Honorable Marilyn Brown-
Rosenbaum

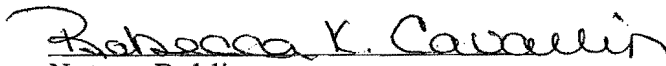
I, Constance Sievert, am the wife of Elden Sievert, deceased.

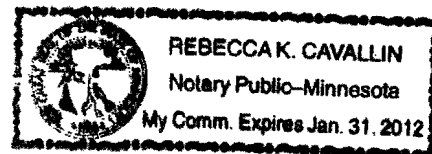
I do not wish to make a personal appearance at the hearing on the petition for distribution of money recovered under Minn. Stat. § 573.02 and hereby waive notice and personal appearance at said hearing and I hereby waive a bond requirement.

I have read the Amended Petition for Distribution of Money Recovered under Minn. Stat. § 573.02 of Kirk Wiener, and I approve the distribution of money set forth in that document.


Constance Sievert

Subscribed and sworn to before me
this 10 day of Feb, 2011.


Notary Public



STATE OF MINNESOTA)
) ss:
COUNTY OF HENNEPIN)

Debra Behr of the City of Minneapolis, County of Hennepin, in the State of Minnesota, being duly sworn upon oath, states and alleges that on the 25th day of February, 2011 she served the annexed **Notice of Hearing** on the parties listed below by mailing to said parties copies thereof, enclosed in an envelope, postage prepaid and deposited in the post office at Minneapolis, Minnesota, directed to said parties at the last known address of said parties.

Eric H. Holder, Jr., Esq.
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave. N.W.
Washington, DC 20530-0001

B. Todd Jones, Esq.
U.S. Attorney's Office
600 U.S. Courthouse
300 S. 4th Street
Minneapolis, MN 55415

Jack D. Moore, Esq.
Lind, Jensen, Sullivan &
Peterson, P.A.
150 South Fifth Street, Suite 1700
Minneapolis, MN 55402-4217

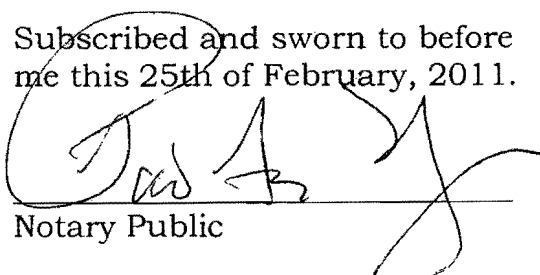
Leah Vickerman Cherwien
Ingenix
MN002-0220
12125 Technology Drive
Eden Prairie, MN 55344

MSPRC Auto Liability
P.O. Box 33828
Detroit, MI 48232-5828

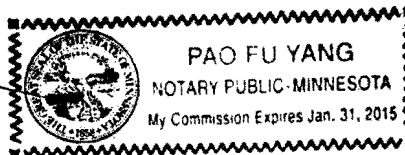


Debra Behr

Subscribed and sworn to before
me this 25th of February, 2011.



Notary Public



Case Type: Wrongful Death

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

In the matter of the appointment of a
trustee for the next of kin of Elden
Sievert, decedent.

NOTICE OF HEARING

Court File Number: 27-CV-10-3229
The Honorable Marilyn Brown-
Rosenbaum

PLEASE TAKE NOTICE that a hearing on the distribution of wrongful
death recovery in the above matter will convene before the Honorable Marilyn
Brown-Rosenbaum, at the Hennepin County Government Center, 300 South
Sixth Street, Minneapolis, Minnesota, Courtroom 1955C, at 1:30 p.m., on
April 21, 2011.

I hereby acknowledge that sanctions may be
awarded pursuant to Minn. Stat. § 549.211.

SCHWEBEL GOETZ & SIEBEN, P.A.

Dated: 2/25/2011

By, 

James G. Weinmeyer (#1140x)

James S. Ballentine (#209739)

ATTORNEYS FOR THE PLAINTIFF

5120 IDS Center

80 South Eighth Street

Minneapolis, Minnesota 55402-2246

Telephone: 612-377-7777

Case Type: Wrongful Death

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

In the matter of the appointment of a trustee for the next of kin of Elden Sievert, decedent.

**ORDER FOR DISTRIBUTION OF
MONEY RECOVERED UNDER MINN.
STAT. § 573.02**

Court File Number: 27-CV-10-3229
The Honorable Marilyn Brown
Rosenbaum

The above-entitled matter came on for hearing before the undersigned judge of district court.

Based upon all the files, records and proceedings, herein,

IT IS HEREBY ORDERED:

1. Settlement of the above-entitled action in the amount of \$100,000.00 is approved and petitioner is authorized to sign the necessary releases and other documents.
2. Country Mutual Insurance Company is directed to pay to Schwebel, Goetz & Sieben, P.A. and petitioner, as trustee for the next-of-kin of Elden Sievert, the sum of \$100,000.00.
3. The amount of \$100,000.00 belongs to the next-of-kin of decedent pursuant to Minnesota's wrongful death statute, Minn. Stat. § 573.02 and the law set forth in *Bradley v. Sebelius*, 621 F.3d 1330 (11th Cir. 2010).
4. The law firm of Schwebel, Goetz & Sieben, P.A. is allowed its attorneys' fees and expenses in the total sum of \$34,119.65.
5. Decedent's next-of-kin are entitled to recover for their loss of advice, comfort, assistance, companionship and protection that decedent would have provided had he lived.

6. The advice, comfort, assistance, companionship and protection that decedent would have provided to his surviving spouse, Constance Sievert, had he lived far exceeds the \$100,000 available to Constance Sievert from Country Mutual Insurance Company's \$100,000 policy limits.
7. The sum of Sixty-Five Thousand Eight Hundred Eighty and 35/100 Dollars (\$65,880.35) shall be paid to Constance Sievert, surviving wife of decedent.
8. The sum of zero Dollars (\$0.00) shall be paid to Charles L. Sievert, surviving brother of decedent.
9. The sum of zero Dollars (\$0.00) shall be paid to Mary A. Williams, surviving sister of decedent.
10. The sum of zero Dollars (\$0.00) shall be paid to Jane Purdy, surviving sister of decedent.
11. The sum of zero Dollars (\$0.00) shall be paid to Medicare-CMS.
12. The sum of zero Dollars (\$0.00) shall be paid to Ingenix.

BY THE COURT:

Dated: _____

Judge of District Court